

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34605 of 2026

Arising Out of PS. Case No.-2 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

1. Lakhman Bhagat @ Lekhman Bhagat S/o Late Yamuna Bhagat R/o Village - Mauze Khajuri, P.S. - Kuchaikote, District - Gopalganj.
2. Ram Chhatri Bhagat @ Ram Chchatri Bhagat @ Ram Chattri Bhagat @ Ramkshtri Bhagat S/o Lakhman Bhagat @ Lekhman Bhagat R/o Village - Mauze Khajuri, P.S. - Kuchaikote, District - Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kuchaikote P.S. Case No. 02 of 2026, instituted for the offences under Sections 126(2), 115(2), 109, 352, 351(2), 74, 303(2), 191(2) and 103 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in brief, is that on 01.01.2026 at about 4:00 P.M., the informant's minor niece had gone to the field to pluck green vegetables. It is alleged that, taking advantage of the foggy weather and the secluded place, accused Raj Kumar Kushwaha attempted to outrage her modesty and teased her with the intention of committing rape. The victim



somehow managed to escape from his clutches, returned home, and narrated the entire incident to her family members. Thereafter, the informant's brother, Satrugan Prasad, proceeded towards the house of co-accused Raj Kumar Kushwaha to question him regarding the incident. On the way, the petitioners, along with the other co-accused persons, who were variously armed with deadly weapons, allegedly surrounded Satrugan Prasad. It is alleged that petitioner No. 2, Ramchhatri Bhagat, caught hold of Satrugan Prasad, whereupon co-accused Raj Kumar Kushwaha, with the intention to kill, repeatedly assaulted him on the head with a *farsa*, causing profuse bleeding injuries, as a result of which he fell to the ground. The is alleged that when the informant, his nephew, his sister-in-law Shila Devi, and his nephew Tarjan Kumar rushed to rescue Satrugan Prasad, all the accused persons threatened to kill them. During the course of the assault, co-accused Anita Devi and Indu Devi allegedly caught hold of the informant's nephew from behind, while accused Nitish Kumar, with the intention to kill, inflicted a blow with a *dab* on his head. It is further alleged that petitioner No. 2, Ramchhatri Bhagat, assaulted Shila Devi on her head with an iron rod. It is also alleged that the informant was caught by co-accused Indu Devi and Raj Kumar Kushwaha,



whereupon petitioner No. 1, Lakhman Bhagat, assaulted the informant on the head and other parts of the body with a *farsa* with the intention to kill. As a consequence of the said assault, the informant and the other injured persons sustained grievous injuries. It is alleged that accused persons threatened the informant that if any case is lodged then all persons will be killed.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that the petitioners and informant are co-villagers. There is case and counter case between the parties. He further submitted that the occurrence took place due to land dispute in which petitioners' side also sustained injury. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioners. It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. He further submitted that petitioners are named in the F.I.R. and they actively participated in the incident, which led to death of Ragini Kumari.



6. Considering the aforesaid facts and circumstances of the case, I am of the considered view that since petitioners are named in the F.I.R. and incident took place where petitioners alleged to have been actively participated, which led to death of Ragini Kumari, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioners is, hereby, rejected.

8. However, if the petitioners surrender before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

(Alok Kumar, J)

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